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Guy Beardsley

Printed name of person mailing correspondence   Signature of person mailing correspondence

CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(d)

Attorney Docket Number	00786/339004
Applicant	Xinnian Dong et al.
Title	ACQUIRED RESISTANCE GENES AND USES THEREOF

PRIORITY INFORMATION:

This is a request for a continuation application under 37 C.F.R. § 1.53(d) (continued prosecution application (CPA)) of prior United States patent application 08/908,884, filed August 8, 1997.

FILING QUALIFICATIONS:

The prior application is (1) a utility application that was filed under 35 U.S.C. § 111(a) before May 29, 2000, and is complete as defined by 37 C.F.R. § 1.51(b); or (2) a national stage application of an international application that was filed under 35 U.S.C. § 363 before May 29, 2000, and is in compliance with 35 U.S.C. § 371.

This CPA is being filed before the earliest of: (1) payment of the issue fee in the prior application, unless a petition under 37 C.F.R. § 1.313(c) is granted in the prior application; (2) abandonment of the prior application; and (3) termination of proceedings in the prior application.

EXPRESS ABANDONMENT:

This request for a CPA expressly abandons the prior application as of the filing date of this request.

ACCESS TO PRIOR APPLICATION:

This request for a CPA is construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

35 U.S.C. § 120 STATEMENT:

This request for a CPA is the specific reference required by 35 U.S.C. § 120 to the prior application.

PAPERS ENCLOSED:

1. Please enter the unentered amendment that was filed on [***DATE***] under 37 C.F.R. § 1.116 in the prior nonprovisional application.

2. Please enter the enclosed preliminary amendment, consisting of [**] pages.

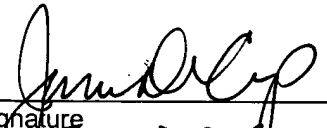|	3. This application is filed by fewer than all of the inventors named in the prior nonprovisional application, 37 C.F.R. § 1.53(d)(4). Please delete the following inventors: [*NAMES OF DELETED INVENTORS**].
	4. Enclosed is a new power of attorney, consisting of [**] pages.
	5. Enclosed is an Information Disclosure Statement, consisting of [**] pages; a Form PTO 1449, consisting of [**] pages; and copies of [**] cited references.
✔	6a. Applicant claims small entity status under 37 C.F.R. § 1.27.
	6b. Small entity status is not applicable or is no longer claimed.
	7. Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of [**NUMBER**] months (not to exceed 3 months). Payment of the fee required by 37 C.F.R. § 1.17(i) for this request is enclosed.
	8. Enclosed is a Request for Nonpublication under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.213(a).
✔	9. Enclosed is a check for $840.00 to cover the total fees calculated below.
✔	10. Please apply any charges not covered or any credits, to Deposit Account No. 03-2095.
✔	11. Enclosed is a copy of the Petition for Extension of Time for United States patent application 08/908,884.

FILING FEES:

Basic Filing Fee:	$370.00
Excess Claims Fee: 52 - 20 x $9	$288.00
Excess Independent Claims Fee: 4 - 3 x $42	$42.00
Multiple Dependent Claims Fee: $140	$140.00
Fee for Request for Suspension of Action: $130	
Total Fees:	$840.00

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11 April 2002

Date

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